Recommendation Report for Planning Permission for Works or Extension to a Dwelling

REF NO: **FP/40/14/**

LOCATION: 4 Jacken Close
Felpham

PROPOSAL: New front boundary wall, new internal wall to garden, revised window openings & new window openings

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal is three fold. Firstly to replace the existing front hedge with a part 1.8m, part 0.9m high brick wall with flint panels & brick piers. Secondly, to erect a 1.8m high brick wall (with 2.25m high arch) within the site to enclose a front garden. This new wall is flush with the front of the forward projecting part of the house and set back from the front boundary by between 9 and 11m. Thirdly, to replace and install various new windows/doors in the ground floor elevations of the house.
SITE AREA	Approximately 525 square metres.
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Hedging approximately approximately 1.8m high to front.
SITE CHARACTERISTICS	Two storey detached dwelling with part yellow brick faced and part tile hung elevations. The roof is hipped. There are two recently constructed extensions to the front and rear of the building, and an existing detached garage to the front.
CHARACTER OF LOCALITY	The site is located in a residential cul-de-sac of properties of a similar style. To the immediate south is a row of three large dwellings which back onto the flank wall of no. 4. These properties are bordered to the rear by a 1.8m high brick wall with fence panels. This then forms the side boundary to no. 4. To the western boundary of these houses, there is a 1.8m high brick wall.

RELEVANT SITE HISTORY

FP/121/09/	Two storey front and rear extensions & internal alterations.	ApproveConditionally 17-09-2009

None.

FP/188/10/	Proposed single storey swimming pool enclosure	Refused 24-11-2010

REPRESENTATIONS

Representations received:

Felpham Parish Council

Felpham Parish Council - The Council does not object to this application.

Comments on Representations received:

Comments noted.

CONSULTATIONS

Consultations responses received:

None.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site: Within Built Up Area Boundary.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN7	The Form of New Development
Publication Version of the Local Plan - Excluding the Spatial Portrait, Employment, Housing Allocations, Transport, Monitoring and Implementation sections (February 2014):	D DM1 Aspects of Form and Quality D SP1 Design	

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

The Development Plan consists of the Arun District Local Plan 2003.

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council agreed the majority of the Arun Local Plan in February 2014 (Publication Version) and this is a material consideration in the determination of this planning application. The remaining chapters of the Local Plan namely: the Spatial Portrait, Employment & Enterprise,

Housing Allocations, Transport, Monitoring and Implementation will be considered for publication at a later meeting of Full Council. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place. The chapters that have been published will undergo public consultation alongside the remaining chapters when they have been agreed. The weight given to the current published policies can be significant depending:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The policies within this published version of the plan are at an advanced stage as they have been agreed by Full Council for regulation 19 consultation, they have been subject to independent audit and are considered to meet the NPPF and there are no known significant unresolved issues arising from regulation 18 consultation for the published policies.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place once the remaining chapters / policies have been published.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

Adopted Local Plan Policy GEN7 requires that development responds positively to the identified characteristics of an area to create attractive places & spaces and respects & enhances local distinctiveness.

As set out above, the proposal is threefold. Taking the window/door changes first, these are considered to be acceptable since they are all within the ground floor elevations and do not

therefore overlook any neighbouring properties. Parts of the new windows on the south side are slightly above the height of the fence but at a height of 1.8m above ground level. Furthermore, these windows look out on to the fronts of the adjacent dwellings and at a distance of 11m.

Turning to the new internal brick wall, the vast m,ajority of this is only 1.8m high and therefore within permitted development rights. The top of the arch does measure 2.25m high but this is well within the site and has no impact on neighbours. Furthermore, it will not result in any loss of light to neighbouring windows (given that there is a garage located on the other side of the boundary to the north).

Finally, there is the proposal to replace the existing front boundary hedge with a new wall. The character of the existing streetscene and wider Jacken Close area is not one of hard front boundaries; however regard has to be had to the 1.8m high brick wall around the western edge of the house to the south. The proposed wall will be seen to continue the line of this existing adjacent wall and as such is not considered to harm the streetscene. Furthermore, the fact that the wall is lowered to a height of 0.9m for a short section before the open driveway access means that there is a smoother transition to the neighbour's 0.9m high brick pier than there would otherwise be if the 1.8m high wall was extended all the way to this boundary. The addition of flint panels within the wall is considered to add visual interest to the boundary and is welcomed.

Overall, this application is considered to be acceptable and is recommended for approval. No conditions have been added in respect of the flint material for the new wall because this is not a sensitive area where a high degree of control over the appearance of materials is needed. There is no concern therefore as to whether the flint pieces are large or small.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

RECOMMENDATION

APPROVE CONDITIONALLY

1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

2 The development hereby approved shall be carried out in accordance with the following approved plans:

LOCATION & SITE PLAN DRG: IBA/406/01;
EXISTING PLANS & ELEVATIONS DRG: IBA/406/02;
PROPOSED ELEVATIONS DRG: IBA/406/03; and
PROPOSED PLANS DRG: IBA/406/04.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Policy GEN7 of the Arun District Local Plan.

3 INFORMATIVE: Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.